

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

JOHN AFRIYIE,

Defendant.

16-CR-377 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

In a decision dated February 25, 2022, the Second Circuit vacated an aspect of the restitution order in this case, on the ground that restitution is appropriate under the MVRA for expenses associated with criminal investigations, but not for expenses associated with Securities and Exchange Commission investigations.

The same day, this Court issued an order directing the Government and the defense, by March 11, 2022, each to submit a letter setting out a revised tabulation of restitution, consistent with the Second Circuit's analysis. *See* Dkt. 211. On March 8, 2022, the Court adjourned the briefing schedule until a mandate issued from the Second Circuit. The Court instructed the parties to notify the Court once the mandate issued. *See* Dkt. 215.

On May 26, 2022, the Second Circuit issued its mandate. *See* Dkt. 218.

On June 20, 2022, the Court received a letter-motion from AUSA Christine I. Magdo to terminate her appearance in light of her imminent departure from the U.S. Attorney's Office. *See* Dkt. 220.

In light of Ms. Magdo's imminent departure and the Court's interest in assuring informed briefing on the sole open issue in this case, the Court directs the Government and the defense, by

June 28, 2022, each to file a letter setting out a revised tabulation of restitution, consistent with the Second Circuit's analysis.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

Dated: June 21, 2022
New York, New York